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## News Coverage on Unfunded Mandates

### Mandate relief panel suggests \$245M in savings

[Cara Matthews](#) [1] [2] [2] [2]

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ALBANY ? A panel charged with reducing unfunded state mandates on local governments is recommending steps to save \$245 million, but its final report does not tackle some of what are considered New York's most onerous and costly mandates.

The Mandate Relief Redesign Team's recently released report doesn't propose changes to the Wicks Law, which requires multiple contractors for public projects. It has long been criticized for increasing the cost of construction.

Nor does it recommend a full state takeover of Medicaid, a health care program for the poor. Unlike most states, New York requires counties to pick up a portion of the total cost, and local officials have asked for the state to assume full responsibility. The Medicaid Redesign Team, another panel that recently finished its work, proposed a state takeover.

The Mandate Relief Redesign Team had until March 31 to hand in its final report, but it was submitted to Gov. Andrew Cuomo late last week. It was published on the governor's website without any public announcement. Some members said the submission of the report took them by surprise.

The completion of the team's work clears the way for a new Mandate Relief Council, which is scheduled to begin its work Jan. 15. The 11-member panel will review statutory and regulatory unfunded mandates and recommend to the governor and lawmakers whether they should be modified or repealed. Local governments will be able to request review of a specific statute or regulation.

Lawmakers and the governor also agreed to make it easier for a local government to request approval of an alternative to a regulatory mandate.

"There's an office we can go to and say, 'Hey, we've got an idea,'" said Mandate Team member Timothy Kremer, who heads the state School Boards Association.

Mandate-relief measures signed into law in 2011 will save more than \$125 million, and regulatory measures will reduce costs by another \$40 million, Lawrence Schwartz, secretary to Cuomo, wrote in the report.

The measures include removing the statutory salary requirements for police chiefs, requiring a census of preschool children every two years instead of annually and allowing up to three school districts with fewer than 1,000 students each to share a superintendent.

The Legislature did not adopt many of the proposals developed by the team and proposed by the governor. The recommendations for additional mandate relief would save the state another \$245 million a year, the report said.

"The administration has achieved hundreds of millions of dollars of mandate relief, which is more than any administration in decades," Cuomo spokesman Josh Vlasto said in an email. "The governor is committed to further reduce the burdens on taxpayers and local governments and will continue to work with the Legislature to do so."

While some recommendations for mandate relief were enacted, a number of critical proposals were left on the table, said Mark Lavigne, a spokesman for the state Association of Counties. Stephen Acquario, the group's executive director, served on the panel.

"The relief proposals that were enacted don't go far enough in that we need significant, meaningful and long-term mandate relief in order to address the property-tax crisis we have in New York and to enable counties and local governments to stabilize property taxes under the property-tax cap and provide relief to New York homeowners and businesses," Lavigne said.

The Association of Counties wants the state to take over Medicaid; change the preschool special-education and early intervention requirements to reduce the burden on counties; and add a new tier to the pension system that is a 401(k)-style defined-contribution plan, rather than a traditional defined-benefit plan, or a hybrid of the two.

"Our members are hopeful that mandate relief is the top priority for the governor and state legislators in 2012," he said.

One of the measures Kremer's group supports but that is not in the report would eliminate special-education mandates that are not required by the federal Individuals with Disabilities Education Act.

Other priorities for the School Boards Association are changing the Triborough Amendment of the Taylor Law, which requires governments and school districts to pay "step" salary increases for longevity when a contract has expired; and pension changes similar to what the Association of Counties is seeking.

Kremer said there were a lot of different interests represented on the Mandate Relief Redesign Team.

"It seemed like we were kind of all over the place and it was difficult, I think, for the governor's people to build a consensus, particularly for some of the big-ticket items," he said.

The council will be smaller, which might allow members to "drill down" on proposals, Kremer said.

**The report proposes a constitutional amendment to ban mandates that don't have funding attached. A statutory ban could be enacted while the constitutional amendment was being ratified.**

Other recommendations for mandate relief include:

- Creating a process by which local governments can seek full waivers from regulatory mandates.
- Allowing local governments and school districts to meet newspaper publication requirements by posting the information on a website and in multiple conspicuous public places.
- Removing the requirement that all tax warrants be filed with county clerks, instead allowing electronic filing with the Department of State.
- Allowing district attorneys to hire assistant district attorneys who live outside the county.

Press Clip Relevance

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